

**United States Court of Appeals
For the First Circuit**

04-11530
Zobel

No. 04-1911

JOSEPH YOUSHEAI,
Plaintiff, Appellee,

GILA YOUSHEAI,
Plaintiff, Appellee,

v.

MARTHA EMIR,
Defendant, Appellant.

ORDER OF COURT

Entered: July 9, 2004

The motion for a temporary restraining order or change of venue, which we construe as a motion to stay either the state eviction proceeding or the district court's July 9, 2004 order remanding the action to state court, is denied. It appears this court lacks jurisdiction over appellant's appeal from the district court's July 9, 2004 order remanding the action to state court. See 28 U.S.C. § 1447(d). Within ten calendar days of the date of this order, appellant shall show cause why this appeal should not be dismissed for lack of jurisdiction. Failure timely to respond will result in dismissal for lack of prosecution.

By the Court:

Richard Cushing Donovan, Clerk


MARK R. SYSKA

By: _____
Chief Deputy Clerk.

CERTIFIED COPY

I HEREBY CERTIFY THIS DOCUMENT
IS A TRUE AND CORRECT COPY OF
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AND IN MY LEGAL CUSTODY.

FIRST CIRCUIT COURT OF APPEALS
BOSTON, MA

By:  Date: 2/9/04

[certified copies: Honorable Rya Zobel, Tony Anastas, Clerk]

[cc: Martha Emir, George Kickham, Esq., James Kickham, Esq.]